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BEFORE THE

AUG 17 1994

Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WASHINGTON, D.C.

In the Matter of:

) MM Docket No. _____

)
AMENDMENT OF 47 C.F.R. §73.202(b),
FM TABLE OF ALLOTMENTS

) RM -

)
(Johannesburg and Mojave, California

)

To: The Chief, Allocations Branch,
Policy and Rules Division, Mass Media Bureau

PETITION FOR RULE MAKING

ADELMAN COMMUNICATIONS, INC. ("Petitioner"), by Counsel, and pursuant to §§1.401 and 1.420(i) of the Rules, hereby respectfully petitions the Commission to amend Section 73.202(b) of the Rules, FM Table of Allotments, as follows:

<i>Community</i>	<i>Present</i>	<i>Proposed</i>
Johannesburg, California	280B1	265A
Mojave, California	249A	249A, 280A

In support whereof, the following is shown:

Preliminary Statement

1. Petitioner is the Licensee of FM Station KRAJ, which is presently authorized to operate on Channel 280A in Johannesburg, California. Petitioner seeks to have the license for KRAJ modified to specified operation on Channel 280A in Mojave, California, pursuant to §1.420(i) of the Rules. In addition, in

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order to meet the Commission's §307(b) Allocations Policies,¹ Petitioner requests the allotment of a new Class A FM channel, Channel 265A to Johannesburg, and states that should the instant proposal be adopted, it would apply for the new allotment in Johannesburg, as well as filing an application for modification of the KRAJ license to specify Mojave.

1. *Reallotment of Channel 280 to Mojave, California*

A. *Compliance with §73.207*

2. Attached hereto is the Engineering Statement of David C. Williams, Ph.D., P.E., Petitioner's consulting radio engineer. As Professor Williams' study demonstrates, Channel 280 in Johannesburg, California, can be reallocated to Mojave, California as a Class A channel, and meet all minimum distance separation requirements.² It is the only FM channel that can be added to the community of Mojave without the imposition of a site restriction.³

B. *Public Interest Considerations*

3. As shown in the attached Engineering Statement, Mojave, California has a population of approximately 4,000.⁴ This represents almost a doubling of population since 1980, reflective of a larger trend in population growth in southwestern Kern County which has taken place over the past ten years, and signifi-

¹See, *Modification of FM and TV Authorizations to Specify a New Community of License*, MM Docket 88-526, Order Upon Reconsideration, FCC 90-374 __ FCC Rcd __, __, 68 RR 2d 644, 649 (1990) ("*Reconsideration Order*").

²The allotment of Channel 280A to Mojave would be mutually exclusive with the present operation of KRAJ on 280B1 in Johannesburg, and thus consistent with the Commission's policy concerning modifications of existing FM and TV services to specify a new community of license. See 47 C.F.R. §1.420(i).

³The reference coordinates for the proposed allotment of 280A to Mojave are: NL 35° 03' 00" x WL 118° 10' 30" – which is within the Mojave city limits.

⁴Estimated 1994. The 1990 Census shows Mojave as having a population of 3,763.

cantly since 1989. Johannesburg is an unincorporated community with population of less than 1,000.⁵ Mojave is presently served by two aural facilities, a Class C AM station, KVOY, 1340 kHz, and a Class A FM station, KAVS. The allotment of a second FM channel to Mojave on 280A would be in the public interest, particularly in view of the expanding population in Northeast Los Angeles and Southwestern Kern counties.

4. Petitioner submits that the relocation of KRAJ to Mojave on 280A would be a more efficient utilization of spectrum space. The operation of KRAJ on a regional B1 channel in Johannesburg is not as efficient in providing needed new aural service to where the population is, and will be.

5. Petitioner states that, should the Commission accept the instant proposal and modify the license of KRAJ to specify operation on Channel 280A in Mojave, California, it would promptly file an application for construction permit to specify such operation. Upon a grant of the application, Petition would proceed diligently to relocate the facilities of KRAJ to Mojave and commence operations on Channel 280A.

2. Allotment of Channel 265 to Johannesburg, California

6. Petitioner also proposes the allotment of Channel 265A to Johannesburg, California, and states that, should the Commission amend the Table of FM Allotments to add Channel 265A to the community of Johannesburg, California, Petitioner would promptly file an application for construction permit for a new FM station on that channel in Johannesburg. Should Petitioner's Application be granted, Petitioner would promptly construct the facilities so-authorized.

⁵Although located on the 1994 Rand-McNally map of Southern California, there is no separate population tabulation for Johannesburg in the Appendix.

A. Compliance with §73.207

7. As set forth in the attached Engineering Statement, Channel 265A can be allotted to Johannesburg without any site restriction.⁶ As noted by Professor Williams, there are at least seven FM channels that could be allotted to Johannesburg without site restriction. Channel 265A was selected as providing the greatest flexibility in site selection.

**B. Public Interest Considerations
and Contingent Request for Waiver**

8. In its *Reconsideration Order*, in MM Docket 88-526, *supra*, the Commission stated that, while it would not eliminate its policy prohibiting the removal of a Sole Existing Local Transmission Service ("SELTS") from a community to accommodate a community move, it recognized that there would be occasions where the public interest would best be served by waiving that policy. *Reconsideration Order*, 68 RR 2d at 649. Petitioner believes that since the instant proposal is providing for another local transmission service in Johannesburg, and has represented that it will make application for that facility if this proposal is adopted,⁷ no waiver of the SELTS policy is required. However, if the Commission should determine that, technically, a waiver of the policy is necessary, Petitioner hereby respectfully requests waiver thereof.

9. The reallocation of Channel 280 from Johannesburg to Mojave and the allotment of Channel 265A at Johannesburg will provide local service to both

⁶The coordinates for the proposed allotment in Johannesburg are: NL 35° 22' 00" c WL 117° 38' 00".

⁷Since more than 60 kilometers would separate the 70 dBU contours of the two Class A allotments, Petitioner would not be barred under the Commission's multiple ownership policies from operating both facilities. Petitioner recognizes, of course, that the allotment of Channel 265A to Johannesburg would be an open allocation, subject to other expressions of interest and applications.

communities by allowing use of the channel optimally suited for Mojave,⁸ and allotting another comparable available channel at Johannesburg. This proposal increases the diversity of aural broadcast services in Eastern Kern County, California, with no loss of any local transmission service, and no requirement that the facilities of another existing licensee be modified.

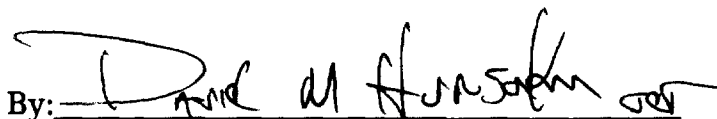
Conclusion

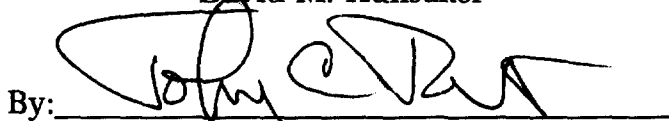
WHEREFORE, the above premises considered, Petitioner respectfully urges that the Commission INSTITUTE Rule Making Proceedings, proposing to AMEND Section 73.202(b) of the Rules, FM Table of Allotments, as follows:

<i>Community</i>	<i>Present</i>	<i>Proposed</i>
Johannesburg, California	280B1	265A
Mojave, California	249A	249A, 280A

Respectfully submitted,

ADELMAN COMMUNICATIONS, INC.

By: 
David M. Hunsaker

By: 
John C. Trent

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Its Attornies

August 17, 1994

⁸As noted above, no other channel can be allotted to meet the increasing demand for aural broadcast service in Mojave without site restrictions.

EXHIBIT "ENG"

ENGINEERING EXHIBITS IN SUPPORT OF PETITION FOR RULEMAKING MOJAVE AND JOHANNESBURG, CALIFORNIA

Prepared for

ADELMAN COMMUNICATIONS, INC.
Station KRAJ

August 1994

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ENGINEERING STATEMENT OF D.C. WILLIAMS, Ph.D., P.E., CONSULTING ENGINEER**INTRODUCTION**

This Engineering Statement is prepared on behalf of Adelman Communications, Inc. ("Adelman"), licensee of FM station KRAJ, Johannesburg, California in support of the instant petition for rulemaking respectfully requesting amendment of 47 CFR §73.202(b) to specify:

- 1) the substitution of Channel 280A at Mojave, California in lieu of the current allotment of Channel 280B1 at Johannesburg, California;
- 2) concurrent modification of the current authorization of KRAJ to specify operation on Channel 280A at Mojave, and;
- 3) allotment of Channel 265A at Johannesburg.

Said amendment will provide enhanced service to the public and represents more efficient utilization of the available spectrum by creating two broadcast stations from the present single allotment without any loss of service to the public.

NEED FOR ADDITIONAL SERVICE IN MOJAVE

The community of Mojave, California is located approximately 60 km generally southwest of Johannesburg. The population of Mojave is approximately 4,000 persons. Mojave currently receives service from FM station KAVS, Channel 249A, and Class C AM station KVOY, 1340 kHz. Mojave is located at the north end of the Antelope Valley, a rapidly developing area of residential, commercial, industrial, and military activity.

As a result of the present rate of growth, which is anticipated to increase in the future, Adelman seeks to increase the overall number of existing services in the general area to meet the demand for additional local aural services by relocating the licensed facilities of KRAJ to Mojave. These facilities currently preclude the allotment of Channel 280A at Mojave, and therefore the simultaneous deletion of 280B1 at Johannesburg and allotment of 280A at Mojave is required to comply with the Commission's allocation standards. Channel 280A is the only channel which may be allotted to Mojave without the imposition of a site restriction, an important factor when considering the need



ENGINEERING STATEMENT OF D.C. WILLIAMS, Ph.D., P.E., CONSULTING ENGINEER (Page 2)

for additional service which would otherwise be unavailable in the future. With sufficient foresight, the future broadcast needs of this burgeoning area may be provided for at this time by reallocating Channel 280A to Mojave.

The petitioner has specified the coordinates of the community center for this allotment, as they satisfy all applicable spacing requirements with respect to all co-channel, adjacent channel, and IF-related facilities. Full city grade service will readily be provided to the entire community with Class A facilities from these coordinates or from any other comparably located site. Engineering exhibits in support of this allotment are also appended to this statement.

CONTINUED SERVICE TO JOHANNESBURG

Johannesburg, California is a small community of less than 1,000 persons located approximately 27 km south of Ridgecrest, California. KRAJ presently serves Johannesburg and the surrounding area with Class B1 facilities as that community's only licensed aural service.

The reallocation of Channel 280 from Johannesburg to Mojave, if considered alone, would delete that community's only local broadcast outlet, resulting in a potential loss of service to the public. As the licensee of KRAJ, Adelman clearly recognizes the importance of maintaining local service in Johannesburg, as the loss of such service would clearly be detrimental to the public interest. The petitioner has verified that there are at least seven FM channels available for allotment to Johannesburg without site restriction, and proposes herein to allot Channel 265A to Johannesburg concurrent with the reallocation of Channel 280 from Johannesburg to Mojave, thereby maintaining local service to Johannesburg. The petitioner pledges to apply for the newly-allotted channel. Although the allotment at Johannesburg will in effect be reduced from the present Class B1 to Class A facilities, no diminution of service to the principal community will result from this substitution, as both facilities provide comparable (70 dBu service, or greater) to the entire community. Further, numerous other stations licensed to nearby communities provide service in and around the Johannesburg area.

The coordinates of the community center are supplied for this allotment for the purposes of verifying compliance with allocation criteria. As previously stated, there are at least 6 other Class A channels (in addition to the proposed Channel 265A) which could be allotted to Johannesburg without the imposition of a site restriction. The proposed channel affords the widest possible latitude for site selection among those channels available for allotment. Operation from these coordinates

ENGINEERING STATEMENT OF D.C. WILLIAMS, Ph.D., P.E., CONSULTING ENGINEER (Page 3)

with Class A facilities will easily provide the requisite city grade service to Johannesburg. Engineering exhibits in support of this allotment are appended to this statement.

**SATISFACTION OF THE PUBLIC INTEREST,
CONVENIENCE, AND NECESSITY**

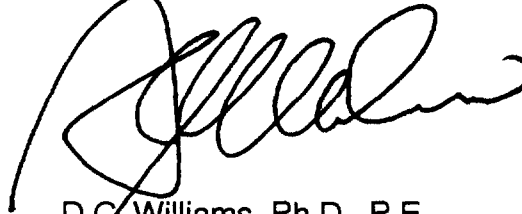
This rulemaking is necessitated by the present and anticipated growth in the community of Mojave and the surrounding areas of the Antelope Valley. Due to the lack of other channels available for allotment in this area and the overwhelming likelihood that future demands on the already overcrowded spectrum will perpetuate this condition, the petitioner is seeking to essentially create two Class A stations in lieu of one licensed Class B1 station. As a consequence of this action, the petitioner's license for KRAJ would be modified to specify Class A facilities in lieu of Class B1 facilities. As previously discussed, the licensed Class B1 station in Johannesburg precludes the allotment of a Class A channel within the larger community of Mojave, while numerous alternative channels are available at Johannesburg. The reallocation of Channel 280 from Johannesburg to Mojave and the allotment of Channel 265A at Johannesburg will provide local service to both communities by allowing use of the channel optimally suited for Mojave at Mojave, and substituting another comparable, available channel at Johannesburg. No other existing stations would be affected by these proposed changes, and no loss of service to the public would result. Instead, the public interest would clearly be served by the creation of two stations with comparable coverage area where only one exists today, providing more efficient utilization of the available spectrum.

In summary, the substitution of 280A at Mojave for 280B1 at Johannesburg and modification of the current authorization of KRAJ to reflect operation with these facilities will establish a second FM broadcast service in one of California's most rapidly growing areas. Further, the allotment of Channel 265A at Johannesburg will provide continuing service to that community and ensure that no loss of present service would result from this proposal. The petitioner hereby reaffirms his intention to apply for the proposed Johannesburg allotment, while retaining ownership of KRAJ, in the event that the instant petition is granted. As the two communities are separated by approximately 60 km, no overlap of the proposed 70 dBu contours would be possible with Class A facilities. The petitioner represents that said grant will enhance the available service to the public

ENGINEERING STATEMENT OF D.C. WILLIAMS, Ph.D., P.E., CONSULTING ENGINEER (Page 4)

and thereby further the public interest, convenience, and necessity.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D.C. Williams', written over a large, stylized, looped flourish.

D.C. Williams, Ph.D., P.E.
Consulting Engineer

August 8, 1994

CERTIFICATION OF ENGINEER

I HEREBY CERTIFY:

that I am a Registered Professional Engineer, a full member of the Association of Federal Communications Consulting Engineers, and an experienced Consulting and Forensic Engineer whose qualifications and previous works are a matter of record with the Federal Communications Commission in Washington, D.C.;

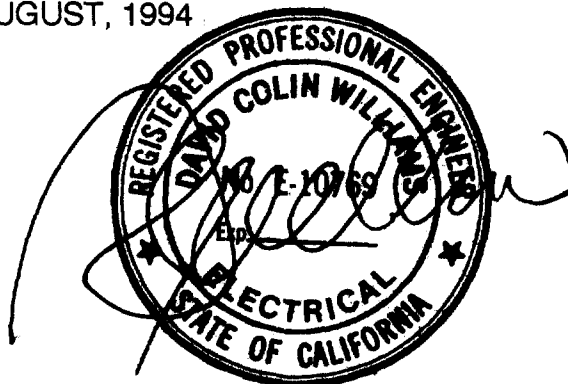
that I hold the degrees of Bachelor of Science in Physics, Master of Science in Electrical Engineering, and Doctor of Philosophy in Electrical Engineering, all awarded by The University of Nevada;

that I have been retained by Adelman Communications, Inc. to prepare the instant engineering exhibits;

that same has been prepared by me or under my immediate supervision;

and that, under penalty of perjury, all representations contained herein are true and correct to the best of my knowledge and belief.

EXECUTED ON THIS 8th DAY OF AUGUST, 1994



D.C. Williams, Ph.D., P.E.
Consulting Engineer

**SUMMARY OF COORDINATES USED
FOR ALLOCATION STUDIES
AND PROPOSED FOR ALLOTMENTS**

Mojave, California, Chanel 280A:

NL $35^{\circ} - 3' - 0''$
WL $118^{\circ} - 10' - 30''$

Johannesburg, California, Channel 265A :

NL $35^{\circ} - 22' - 0''$
WL $117^{\circ} - 38' - 0''$



PROPOSED ALLOCATION CONDITIONS CHANNEL 280A AT MOJAVE, CALIFORNIA

Job title: Mojave, CA
Channel: 280A

Latitude: 35 3 0
Longitude: 118 10 30

CH	Call	Record	City	ST	Status	Bear.	Dist.	Reqd. Dist.	Result
280B		19159	Essex	CA	ADD	96.6	269.9	178.0	
279A		19412	Newberry Springs	CA	ADD	99.9	138.2	72.0	
283A		19673	Lenwood	CA	ADD	101.6	105.1	31.0	
280A	KAEV	19685	Lake Arrowhead	CA	LIC	133.5	131.1	115.0	16.1
280B1	KRAJ	19738	Johannesburg	CA	LIC	42.1	64.2	143.0	-78.8
282B	KBIGFM	19947	Los Angeles	CA	APP	173.8	91.9	69.0	22.9
282B	KBIGFM	19951	Los Angeles	CA	LIC	173.8	91.9	69.0	22.9
280A	KACE	19977	Inglewood	CA	LIC	188.6	117.0	115.0	2.0
278B	KOST	19997	Los Angeles	CA	LIC	173.7	92.0	69.0	23.0
226B	KCBSFM	19999	Los Angeles	CA	LIC	174.0	91.2	15.0	
283A	KVLIFM	20052	Lake Isabella	CA	LIC	339.5	67.9	31.0	36.9
281B	KFCLFM	20097	Woodlake	CA	LIC	338.8	189.2	113.0	
279A		20257	El Rio	CA	VACANT	226.7	130.1	72.0	
279A	NEW	20269	El Rio	CA	APP	229.5	127.3	72.0	
279A	NEW	20286	El Rio	CA	APP	229.5	127.2	72.0	
282A	KXHA	20290	Shafter	CA	CP	294.1	101.8	31.0	
280A	KMYXFM	20293	Taft	CA	LIC	274.1	117.4	115.0	2.4

***** End of channel 280 study *****

PROPOSED ALLOCATION CONDITIONS CHANNEL 265A AT JOHANNESBURG, CALIFORNIA

Job title: Johannesburg, CA
Channel: 265A

Latitude: 35 22 0
Longitude: 117 38 0

CH	Call	Record	City	ST	Status	Bear.	Dist.	Reqd. Dist.	Result
268B	KIXF	19177	Baker	CA	APP	86.7	155.5	69.0	
268B	KIXF	19179	Baker	CA	APP	86.7	155.5	69.0	
265A	KAEH	19374	Beaumont	CA	CP	160.0	172.0	115.0	
264A	KATJ	19684	George	CA	LIC	159.4	89.6	72.0	17.6
262B	KXEZ	19991	Los Angeles	CA	LIC	197.4	132.5	69.0	
266B	KRTHFM	20021	Los Angeles	CA	LIC	197.5	132.5	113.0	19.5
266B	NEW	20022	Los Angeles	CA	APPGID	197.5	132.5	113.0	19.5
266B	NEW	20023	Los Angeles	CA	APP	201.2	143.0	113.0	30.0
266B	NEW	20024	Los Angeles	CA	APPDID	197.5	132.3	113.0	19.3
266B	NEW	20025	Los Angeles	CA	APPDID	197.5	132.5	113.0	19.5
266B	NEW	20026	Los Angeles	CA	APPDID	197.5	132.5	113.0	19.5
266B	NEW	20027	Los Angeles	CA	APPDID	197.5	132.5	113.0	19.5
268B	KGFM	20050	Bakersfield	CA	LIC	274.9	100.8	69.0	31.8
263B1	KOJJ	20056	Porterville	CA	CP	303.0	121.5	48.0	
264B	KHAY	20220	Ventura	CA	LIC	234.4	192.1	113.0	

***** End of channel 265 study *****

